

REMARKS

It will be noted that Applicant has amended and significantly focused the invention hereof to reflect the specific nature of the invention to a drinking vessel. This is in sharp contrast to the paint can strainer cover of the sole cited reference, USP No. 5,059,319, to Welsh.

Before discussing the substantive matters of the PTO communication, it will be noted that Applicant has corrected a typo in Paragraph 1 of the specification.

Turning now to the first rejection of said PTO communication, claims 1 - 6 stand rejected under the provisions of U.S.C. 102(b) as being anticipated by Welsh, identified above. It is believed the amendments to the claims, particularly independent claims 1 and 4, render the rejection incorrect as to the claims hereof. Specifically, Welsh teaches a paint can strainer cover for a paint can that has nothing to do with a drinking vessel, unless one intends to drink paint. The paint can strainer cover of Welsh fits over the paint can rim, where "the material and cross-sectional shape of the ring is designed to permit compression of the shape, allowing the ring to conform to, and bias against, the lid well of a container, such as that of a paint can, by a press fit."

Clearly, in the present invention, the elastomeric ring, containing a liquid passing screen, is sized to be recessed into the drinking vessel in intimate contact with the inner tapered wall of the vessel. In other words, one (Welsh) fits on top, and one (Invention) fits within. To facilitate this fitting within, the tapered portion of the elastomeric ring hereof terminates at a thin edge to allow for flexing thereof into intimate contact with the inner wall of the drinking vessel (Claim 2). The Examiner offers the following explanation regarding the features of Welsh,

"Welsh (319) discloses a circular, flexible, and elastomeric ring (Col. 2, 55), wherein the annular base portion with a continuous tapered portion extends radially outward from the base portion (Fig. 1; Fig. 3, #41, #49, and #51) containing a liquid passing screen (Fig. 1 #3) (claims 1, 3, 4, and 6), wherein tapered portion terminates at a thin edge allowing for flexing into intimate contact with vessel and/or wall (Col. 2, 60-68; Col. 3, 1-2)(claims 2 and 5)."

It is not clear from which reference the Examiner is reading. There is no 'annular base portion with a continuous tapered portion extending radially

outward from the base portion'. The strainer cover of Welsh is characterized by an annular U-shaped mesh material within which is an elastomeric spline.

Where is the tapered portion? The Examiner goes on to state,

"... wherein tapered portion terminates at a thin edge allowing for flexing into intimate contact with vessel and/or wall (Col. 2, 60-68; Col. 3, 1-2)(claims 2 and 5)."

Again, where is the tapered portion that terminates at a thin edge which flexes? It will be recalled that a typical paint can includes an annular recess about the periphery of the can, where the conventional cover includes an annular rib that snugly fits within the annular recess. The paint can strainer cover of Welsh is similarly constructed to the conventional cover in that the 'trough (11)', containing the 'elastomeric spline (5)', is designed to fit into the paint can annular recess. There is just no relationship between the paint can strainer cover of Welsh to that of the present invention. With the clarifying amendments made to the claims hereof, it is requested that the Examiner reconsider the rejection of claim 1 - 6, and allow such claims.

Claims 3 and 6 further stand rejected under the provisions of 35 U.S.C. 102(b) as being anticipated by Welsh. The Examiner dismisses the limitation of providing indicia on the liquid passing screen on the basis that such limitation has no basis in regards to the claimed apparatus. The presence of the indicia is merely an ancillary feature of the invention, and the uniqueness of the claimed invention is based on the construction thereof. Again, it is requested that the Examiner reconsider the rejection in the absence of such construction.

Should the Examiner feel that a phone conference may be helpful to resolve any outstanding issues, he is invited to call the undersigned Agent at
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Respectfully submitted,
Applicant

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for Applicant

Encl: Corrected Par. 1
Status of claims 1 - 6